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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/45/838)]

45/172. Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights 2/ and the International Covenant on Economic, Social and Cultural Rights, 2/ as well as the humanitarian rules laid down in the Geneva Conventions of 12 August 1949 3/ and Additional Protocol II thereto, of 1977, 4/ instruments through which States have undertaken to promote and protect human rights and fundamental freedoms and to fulfil the obligations entered into under those international instruments,

Bearing in mind Commission on Human Rights resolution 1990/77 of 7 March 1990 5/ which extended the mandate of the Special Representative for

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

4/ Ibid., vol. 1125, No. 17513.

5/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

another year and requested him to report to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session,

Taking into account the commitments made by the Central American Presidents in various joint statements with a view to the promotion of, respect for and exercise of human rights and fundamental freedoms,

Noting that, in accordance with Security Council resolution 637 (1989) of 27 July 1989, the Secretary-General has continued to provide his good offices for the holding of talks between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

Deeply concerned about the persistence of the armed conflict in El Salvador throughout 1990 and by the recent escalation of violence initiated by the Frente Farabundo Martí para la Liberación Nacional, a situation which continues to beleaguer the civilian population, as a result of air raids, the use of explosive devices in urban areas, and attacks on the economic infrastructure,

Taking note of the results achieved in the rounds of negotiations conducted so far, in particular the agreement signed by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional at Geneva on 4 April 1990 6/ and the agreement signed at Caracas on 21 May 1990, 7/ which establishes an agenda and a schedule for negotiations designed to achieve the initial objective of political agreements for arranging a halt to the armed confrontation and any acts that infringe the rights of the civilian population,

Welcoming the Agreement on Human Rights, signed by the two parties at San José on 26 July 1990, 8/ containing commitments concerning the respect for and guarantee of human rights to be effective immediately, and containing the terms of reference for the United Nations human rights verification mission,

Concerned that, despite the reduction in the number of violations of human rights and despite the efforts made by the two parties to improve the situation of human rights, numerous and serious politically motivated violations of human rights and of the humanitarian rules of warfare persist in El Salvador,

Concerned also that many sources continue to attribute summary executions and other serious violations of human rights to the so-called "death squads",

1. Commends the Special Representative of the Commission on Human Rights for his report on the situation of human rights in El Salvador, 9/ endorses the

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6/ See A/45/706-S/21931, annex I.

7/ Ibid., annex II.

8/ A/44/971-S/21541, annex.

9/ A/45/630.

recommendations contained therein and requests him to update the report in the light of the situation in that country;

2. Expresses its satisfaction with the signing of the agreement at Geneva on 4 April 1990 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, which sets in motion a negotiating process under the auspices and with the active participation of the Secretary-General, with a view to ending the armed conflict through political means as speedily as possible, promoting the democratization of the country, guaranteeing unrestricted respect for human rights, and reunifying the Salvadorian society;

3. Notes that the two parties, when adopting the general agenda for the negotiating process at Caracas on 21 May 1990, agreed that the initial objective would be, first, to secure political agreements on the armed forces, human rights, the judicial system, the electoral system, constitutional reform, the economic and social problems, and verification by the United Nations and, secondly, to achieve agreements for arranging a halt to the armed confrontation and any acts that infringe the rights of the civilian population, all of which will have to be verified by the United Nations subject to the approval of the Security Council;

4. Expresses its profound satisfaction with the Agreement on Human Rights, adopted at San José on 26 July 1990, during the third round of talks between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, which constitutes the first substantive agreement between the parties, and urges them to take the action and measures necessary for its implementation;

5. Supports fully the work of intermediation being done by the Secretary-General and his Personal Representative in the search for a negotiated political solution to the Salvadorian conflict;

6. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to make the greatest possible effort to implement all the political agreements announced at Geneva and Caracas, particularly taking into account the proposals of the Secretary-General for facilitating the negotiating process and achieving a just and lasting peace in El Salvador in the shortest possible time;

7. Expresses its deep concern about the persistence of politically motivated violations of human rights in El Salvador, such as summary executions, torture, abductions and enforced disappearances, and about the atmosphere of intimidation in which certain sectors of the population live;

8. Also expresses its deep concern that the capacity of the judicial system continues to be unsatisfactory, as a result of which the competent authorities must accelerate the adoption of the reforms and measures necessary for ensuring the effectiveness of the system;

9. Deplores, therefore, the irregularities in the judicial proceedings in connection with the assassination of the Rector and other members of the Central American University in 1989 and the lack of co-operation on the part of certain

sectors of the armed forces which has impeded full clarification of such an abominable crime and the punishment of the guilty persons, as described in the report of the Special Representative;

10. Renews its appeal to the competent organs and organizations of the United Nations system that, on the basis of Commission on Human Rights resolution 1990/77 of 7 March 1990 and General Assembly resolution 44/165 of 15 December 1989, they provide the advice and assistance that the Government of El Salvador may request in order to enhance the promotion and protection of human rights and fundamental freedoms;

11. Requests the Commission on Human Rights at its forty-seventh session to consider the situation of human rights in El Salvador, taking into account the evolution of the situation of human rights in that country and developments linked to the implementation of all the agreements adopted by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, as well as the agreements signed by the Central American Presidents in the context of the regional peace-making process;

12. Requests the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to continue their dialogue and foster agreements with a view to a firm and lasting peace, and to continue co-operating with the Special Representative of the Commission on Human Rights;

13. Decides to keep under consideration, during its forty-sixth session, the situation of human rights and fundamental freedoms in El Salvador in order to re-examine this situation in the light of the information provided by the Commission on Human Rights and the Economic and Social Council.

69th plenary meeting
18 December 1990